

EXHIBIT 10

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF INDIANA
4 TERRE HAUTE DIVISION
Cause No. 2:14-cv-00001-WTL-MJD

5 - - - - -x
BRIAN CARR et al.,

6 Plaintiffs,

7 v.

8 THOMAS R. KANE, ACTING DIRECTOR,
FEDERAL BUREAU OF PRISONS,

9 Defendant.
10
11 - - - - -x

12 7 Times Square
New York, New York

13 July 12, 2017
14 2:00 p.m.

15 VIDEOTAPES DEPOSITION of KATHLEEN
16 CHURCHILL, a 30(b)(6) Witness on behalf
17 of Federal Bureau of Prisons, in the
18 above-entitled action, held at the above
19 time and place, taken before Dawn Matera,
20 a Shorthand Reporter and Notary Public of
21 the State of New York.

22 * * *

23 Veritext Legal Solutions
24 Mid-Atlantic Region
1250 Eye Street NW - Suite 350
25 Washington, D.C. 20005

1 KATHLEEN CHURCHILL

2 I provide them proof of the training and
3 they issue a Delegation of Authority
4 letter, saying that I can go ahead and
5 order that person a credit card.

6 And they have to retake a
7 training course every two years to keep
8 that credit card.

9 Q. About how many people at
10 institutions will have a credit card?

11 A. I believe probably varies on
12 the size of the staffing component. I
13 want to say about 50.

14 Q. Do you have varying amounts on
15 your credit card that you're allowed to
16 spend, like a varying credit limit?

17 A. You mean per purchase?

18 Q. Per person.

19 A. Per cycle?

20 Q. Can each person spend the same
21 amount of money?

22 A. All of my cardholders, except
23 the warranted contracting officers, can
24 only spend up to \$3500 per purchase per
25 requirement.

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2 Q. No one has more than that?

3 A. Just the resale person that
4 purchases resale items for commissary.
5 That's a special thing.

6 And then the warranted contract
7 specialist.

8 Q. Let's go back to your
9 background and your preparation here.

10 What did you do to prepare for
11 today's deposition?

12 A. I discussed with Ms. Woods what
13 to expect today. I reviewed some things
14 that are a business opportunities Website
15 to look at what other institutions were
16 doing to purchase kosher food. I looked
17 at some purchase orders from known
18 institutions that buy kosher foods.

19 Q. Which institutions did you
20 review, which institutions' records did
21 you review?

22 A. FCI Otisville, MDC Brooklyn,
23 MCC New York, FCI Miami and Fort Dix.
24 Those are the only five institutions that
25 I know of that purchase the CRC-certified

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2 foods that were questioned.

3 Q. Do each of these institutions
4 purchase their own food?

5 A. As far as I know, yes. I
6 believe Fort Dix has a shared business
7 office setup like mine where their
8 contracting people purchase from MDC and
9 MCC New York.

10 Q. How many times did you speak
11 with Ms. Woods before this deposition, in
12 preparation for this deposition?

13 A. Twice, I believe.

14 Q. How long were these calls?

15 A. I believe one was around 10
16 minutes and one was maybe around a half
17 an hour.

18 Q. Was anyone else on these calls?

19 A. No. Yes. Ms. Oben, I believe,
20 was on both of the calls.

21 Q. But no one tells from the BOP?

22 A. Yes. We had one call where the
23 food service administrator Miami was also
24 on the line, and he just told me a little
25 bit about his program.

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2 Q. What's his name?

3 A. I believe it's Robert Everett.

4 Q. Did you talk to anyone else at
5 the BOP in preparation for this?

6 A. Yes. I just remembered I
7 talked to both Shannon Mutts, who
8 supervises the purchasing for MDC
9 Brooklyn, MCC New York and Fort Dix. And
10 then, we talked to the food service
11 administrator, Mr. Everett.

12 Q. It's Shannon Mutts?

13 A. Yes.

14 Q. Is that a she or a he?

15 A. She.

16 Q. And she does --

17 A. She's the supervisory contract
18 specialist at Fort Dix.

19 Q. Okay.

20 A. And they are the contracting
21 office for those three institutions that
22 I mentioned.

23 Q. It's Brooklyn and which one,
24 Manhattan?

25 A. MCC New York.

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2 percent.

3 Q. And the rest is -- so if it's
4 on a credit card, so 10 percent would be
5 micro-purchase, correct?

6 A. That's correct.

7 Q. Can you explain micro-purchase
8 to us?

9 A. Micro-purchase is a purchase
10 from zero dollars to \$3500. It's a
11 single requirement. For example, if you
12 need 10,000 pounds of ground beef, you
13 can't split it up into three separate
14 orders to get it under that
15 micro-purchase limit. It means any
16 single requirement that the estimated
17 value is \$3500 or below.

18 Q. And what would be an instance
19 for food that you would use the
20 micro-purchase? Would you call it the
21 micro-purchase exception?

22 MS. WOODS: I am going to object
23 to this line of questioning on the
24 basis that we already tendered two
25 30(b)(6) witnesses to discuss

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2 procurement policy and specifically,
3 procurement policy at the
4 institutional level.

5 However, you may answer the
6 questions.

7 Q. I will restate it.

8 What -- for CRC-certified food,
9 is that most frequently purchased using
10 these simplified acquisition procedures;
11 is that correct?

12 A. Repeat that?

13 Q. When purchasing CRC-certified
14 foods, simplified acquisition procedures
15 are most often utilized; is that correct?

16 A. Right.

17 Q. When is an instance that food
18 service would purchase CRC-certified for,
19 under the micro-purchase exception?

20 A. If it -- the requirement fell
21 under \$3500. I believe that Otisville,
22 low dollar value item such as milk that's
23 perishable, they don't want delivered
24 once a quarter with the frozen entrées,
25 so they might order that on their credit

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2 card and had a delivery schedule set up a
3 different way.

4 Q. I think you testified to this
5 earlier, but how often does FCI Otisville
6 post solicitations on FedBizOpps?

7 A. Four times a year. The month
8 prior to the quarter ending for the
9 upcoming quarter.

10 MS. LOVE: This is going to be
11 Plaintiffs' 6.

12 [The solicitation posted on
13 FedBizOpps on November 21st, 2016,
14 was hereby marked as Plaintiffs'
15 Exhibit 6 for identification, as of
16 this date.]

17 Q. So Ms. Churchill, I have handed
18 you one of the solicitations that was
19 posted on FedBizOpps. It was posted on
20 November 21st, 2016.

21 Does this look accurate to you?
22 (Witness reviews document.)

23 A. Yes.

24 MS. LOVE: We'll do this one as
25 7. Set 6 aside, and we'll do this one

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2 as 7.

3 [The FedBizOpps solicitation
4 awarded on January 1st, 2017, was
5 hereby marked as Plaintiffs' Exhibit
6 7 for identification, as of this
7 date.]

8 Q. Okay. So this is, we are doing
9 the kosher -- this is the FedBizOpps
10 solicitation that was awarded on January
11 1st, 2017.

12 And if we flip through, it has
13 the different attachments that are seen
14 in the upper right corner of the first
15 page.

16 And I just want to walk through
17 each of these and see what we can learn
18 about each of these different pages. Is
19 that okay?

20 A. Sure.

21 Q. So the -- so this is for FCI
22 Otisville; is that right?

23 A. Correct.

24 Q. And do you provide
25 CRC-certified -- do you purchase

CERTIFICATION

I, Dawn Matera, a Notary Public for
and within the State of New York, do
hereby certify:

That the witness whose testimony as
herein set forth, was duly sworn by me;
and that the within transcript is a true
record of the testimony given by said
witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I
am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 12th day of July, 2017.

Dawn Matera

Dawn Matera

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